

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JUDY LARSON, BARRY HALL, JOE MILLIRON, TESSIE ROBB and WILLIE DAVIS, individually and on behalf of all others similarly situated,

Plaintiff,  
-against-

AT&T MOBILITY LLC f/k/a CINGULAR WIRELESS LLC and SPRINT NEXTEL CORPORATION and SPRINT SPECTRUM L.P. d/b/a SPRINT NEXTEL and NEXTEL FINANCE COMPANY,

Defendants.

No. 2:07-cv-05325-JLL-ES

**[PROPOSED] ORDER TO SHOW CAUSE**

This matter having been brought before the Court by Kelley Drye & Warren LLP, counsel for defendants Sprint Nextel Corporation, Sprint Spectrum L.P. d/b/a Sprint Nextel and Nextel Finance Company (collectively, "Defendants"); by way of motion for entry of an Order to Show Cause (based on the accompanying Memorandum of Law and supporting Declaration pursuant to Local Rule 65.1) to enjoin any further prosecution of *In re Cellphone Termination Fee Cases*, JCCP 4332 (the "California Subscriber Class Case") currently pending in the Alameda County Superior Court, State of California and on appeal before the Court of Appeals of the State of California First Appellate District, Division

Five, No. A128026 (the “California Appeal”) and *Robertson v. Nextel Commc’ns, Inc.*, Case No. RG03114214, Calif. Super. Ct., Alameda County (“Robertson”) (collectively referred to as the “California Litigations”); and their counsel, Scott A. Burson of Burson & Fisher, P.A.; Alan R. Plutzik and Jennifer S. Rosenberg of Bramson, Plutzik, Mahler & Birkhaeuser, LLP; J. David Franklin of Franklin & Franklin; Adam Gonnelli of Faruqi & Faruqi, LLP; David Pastor of Gilman and Pastor, LLP; Anthony A. Ferrigno of Law Offices of Anthony A. Ferrigno; Joshua Davis of the Law Offices of Joshua Davis; and Marc G. Reich of Reich Radcliffe LLP for the *Robertson* Class; and Scott A. Burson and L. Timothy Fisher of Burson & Fisher, P.A.; Alan R. Plutzik of Bramson, Plutzik, Mahler & Birkhaeuser, LLP; and J. David Franklin of Franklin & Franklin for the California Subscriber Class and the California Appeal (collectively referred to as the “Burson Group”), from prosecuting any further proceedings that could result in any ruling or judgment that would conflict with this Court’s Final Judgment or otherwise interfere with this Settlement and this Court’s continuing jurisdiction over the Settlement Class because this Court’s protection of the Final Judgment and its effectiveness may be impaired and/or jeopardized by virtue of the activities set forth in Sprint’s submissions; and in furtherance and in aid of this Court’s continuing jurisdiction over the Class Settlement; and in order to protect and effectuate its Final Judgment; and it is

ORDERED, that the class representatives/plaintiffs in the California Litigations and the Bursor Group shall appear and show cause before the Honorable Jose L. Linares, U.S.D.J. at Room 5D, United States District Court for the District of New Jersey, Martin Luther King Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at \_\_\_, or as soon thereafter as counsel can be heard, why an Order should not be issued pursuant to 28 U.S.C. § 2283 (the Anti-Injunction Act) and 28 U.S.C. § 1651 (the All-Writs Act), staying the California Litigations and enjoining and restraining the Bursor Group from prosecuting any further proceedings that could result in any ruling or judgment that would conflict with this Court's Final Judgment or otherwise interfere with this Settlement and this Court's continuing jurisdiction over the Settlement Class; and it is further

ORDERED, that the class representatives/plaintiffs in the California Litigations and the Bursor Group shall file written opposition papers with this Court and serve the same on Defendants no later than \_\_\_\_\_; and it is further

ORDERED, that Defendants file reply papers with this Court and serve the same on the Bursor Group no later than \_\_\_\_\_; and it is further

ORDERED, that no sur-reply will be permitted; and it is further

ORDERED, that sufficient reason having been shown therefore, pursuant to 28 U.S.C. § 2283 (the Anti-Injunction Act) and 28 U.S.C. § 1651 (the

All-Writs Act), that the California Litigations are immediately stayed and the Burstor Group is immediately restrained and enjoined from prosecuting any further proceedings that could result in any ruling or judgment that would conflict with this Court's Final Judgment or otherwise interfere with this Settlement and this Court's continuing jurisdiction over the Settlement Class until this Court has rendered a final decision on Defendants' Motion for an Order to Show Cause; and it is further

ORDERED, that the Burstor Group shall immediately inform the California State courts of the entry of this Order and immediately withdraw its applications in the California Litigations until this Court renders a final decision on Defendants' Motion for an Order to Show Cause; and it is further

ORDERED, that service of a copy of this Order to Show Cause, together with the papers upon which it is granted, was made upon the class representatives/plaintiffs in the California Litigation through their attorneys, Alan R. Plutzik, Esq. and Jennifer S. Rosenberg of Bramson, Plutzik, Mahler & Birkhaeuser whose address is 2125 Oak Grove Road, Suite 120, Walnut Creek, CA, 94598, Scott A. Burstor of Burstor & Fisher, P.A. whose address is 369 Lexington Avenue, 10<sup>th</sup> Floor, New York, NY 10017, J. David Franklin, Esq. of Franklin & Franklin, APLC whose address is 550 West C Street, Suite 950, San Diego, CA 92101, L. Timothy Fisher of Burstor & Fisher, P.A. whose address is

1990 North California Blvd., Suite 940, Walnut Creek, CA 94596, Adam Gonnelli, Esq., of Faruqi & Faruqi, LLP whose address is 369 Lexington Avenue, 10<sup>th</sup> Floor, New York, NY 10017, David Pastor, Esq. of Gilman and Pastor, LLP whose address is 63 Atlantic Avenue, Third Floor, Boston, MA 02110, Anthony A. Ferrigno, Esq. of the Law Offices of Anthony A. Ferrigno whose address is 1116 Ingleside Avenue, Athens, TN 37303, Joshua Davis, Esq. of the Law Offices of Joshua Davis whose address is 437 Valley Street, San Francisco, CA 94131 and Marc G. Reich, Esq. of Reich Radcliffe LLP whose address is 4675 MacArthur Court, Suite 550 Newport Beach, CA 92660 via overnight mail within one day of receipt of same, which constitutes good and sufficient service thereof.

Dated: \_\_\_\_\_, 2012

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Honorable Jose L. Linares, U.S.D.J.